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Patent
Docket No.: 54839USA3A.002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Averill et al.

Serial No.: 09/302,336
Filed: April 29, 1999

For: Method of Grouping and
Analyzing Clinical Risks and
System Therefor

Group Art Unit: 2166

Examiner: Rimell, S.

Restriction Requirement

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action mailed December 5, 2000, Applicants have petitioned for a one (1) month extension of time extending the time for response from January 5, 2001 to February 5, 2001. This petition is filed concurrently herewith.

Remarks

Claims 1-31 are pending in this application and the Examiner has indicated that Claims 1-31 are subject to a restriction and an election requirement.

The Examiner has stated that restriction to one of the following inventions is required under 35 U.S.C. § 121:

- I. Claims 1-21, drawn to a method of creating a classification system and applying a classification system for research, classified in class 705, subclasses 4 and 7.
- II. Claims 22-31, drawn to a programmed computer system and storage media, classified in class 700, subclass 89.

Applicants elect the claims of Group I and withdraw the claims of Group II and reserved the right to file a Divisional Application on the basis of such election.

Certificate of Mailing

Pursuant to 37 CFR 1.8 I certify that this correspondence is being deposited on the date indicated below with the United States Postal Service as First Class Mail addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

Date:

January 23, 2001

Signature

The Examiner has further stated that if Applicants elect the claims of Group I, an additional restriction requirement is application and has stated that restriction to one of the following inventions is required under 35 U.S.C. § 121:

- I. Claims 13-21, drawn to a method of applying a classification system for research, classified in class 705, subclass 7.
- II. Claims 1-12, drawn to a method of creating a classification system, classified in class 705, subclass 4.

The Examiner has stated the inventions of Groups I and II are related as combination and subcombination, pursuant to MPEP § 806.05(c).

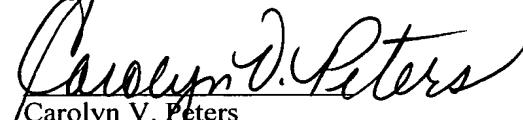
Applicants elect the Claims of Group II (claims 1-12), but respectfully traverse based the following comments.

The Examiner has stated that the claims of Group I are directed to a method of applying a classification system for research. Applicants respectfully point out that the claims of Group I are directed to a method of applying the claims of Group II. Should the Examiner maintain the requirement to restrict the claims, Applicants respectfully submit the Examiner will be required to search the same literature whether or not Applicants should election the claims of Group I or Group II. The claims of Group II are drawn to a method of creating a classification system and the claims of Group I are drawn to applying that method. Applicants are unclear how the fact that the combination does not require the particulars of the combination merely because the combination uses multiple dependencies in the combination claims. The combination claims are dependent on any one of claims 1-12, wherein the claims 2-12 are all ultimately dependent upon claim 1, the sole independent claim of the subcombination.

Thus, the most efficient way to examine the present application is to examine the claims 1-21 as a single group.

Please charge any fees that may be associated with this paper to Deposit Account No. 13-3723.

Respectfully Submitted By:


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January 23, 2001

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